

REMARKS

By this amendment, claims 9, 19, and 20 are canceled and claims 1, 2, 10, and 15-18 are amended. Support for the changes to claim 1 can be found, *inter alia*, in canceled claims 9 and 19, and support for the changes to claim 2 can be found, *inter alia*, in canceled claim 20. Claims 3 and 4 were canceled previously. Claims 1, 2, 5-8, and 10-18 are presented for further examination.

Initially, Applicants would like to thank Examiner Nakarani for the indication that claims 15-18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 15-18 have been rewritten in independent form. Reconsideration and withdrawal of the objection to claims 15-18 are respectfully requested.

The rejection of claims 1, 2, 5-10, 19, and 20 under 35 U.S.C. § 112, second paragraph, is believed overcome by the foregoing amendments to claims 1, 2, and 10 and cancellation of claims 9, 19, and 20. Specifically, claims 1, 2, and 10 have been amended as suggested by the Examiner. No further correction is believed necessary. Reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 1, 5, 6, and 19 under 35 U.S.C. § 102(b) over JP 2002/220262 ("Takashi") is respectfully traversed with respect to the amended claims. Independent claim 1 has been amended to that the infrared-reflective film is the single layer or a laminate of three layers, each layer of the laminate being independently made of a metal, metal oxide, or metal nitride having absorption and reflection in an infrared region, as previously recited in claim 9. As claim 9 was not rejected under 35 U.S.C. § 102(b) over Takashi, withdrawal of this rejection is respectfully requested.

The rejection of claims 1, 2, 5-14, 19, and 20 under 35 U.S.C. § 102(b) over U.S. Patent No. 6,911,254 ("Fisher") in view of U.S. Patent Nos. 5,336,565 ("Muromachi"), 5,631,315 ("D'Errico"), and 5,830,568 ("Kondo") is respectfully traversed with respect to the amended claims.

Amended independent claims 1 and 2 each recites, *inter alia*, that the functional ultra-fine particles **consist of** a single substance of metal, metal oxide, metal nitride, metal sulfide or Sb- or F-doped substance of Sn, Ti, Si, Zn, Zr, Fe, Al, Cr, Co, Ce, In, Ni, Ag, Cu, Pt, Mn, Ta, W, V or Mo, or a composite selected from at least two of these, or a mixture containing an organic resin substance in the single substance or composite, or a coated substance coated with the single substance or composite, or an antimony-doped tin oxide and/or tin-doped indium oxide. Support for this amendment to independent claims 1 and 2 can be found, for example, in canceled claims 19 and 20. Whether considered separately or in combination, a laminated glass as recited in independent claims 1 and 2 is not disclosed or suggested by the cited references.

Fisher discloses laminate glasses having infrared absorbing interlayers. The infrared absorbing interlayers of Fisher comprise lanthanum hexaboride, which is incorporated into an infrared absorbing interlayer as particles or as a thin film. Lanthanum hexaboride is an essential component in Fischer. In contrast, in reciting the transitional phrase "consist of", which excludes any element, step, or ingredient not specified in the claim, the claimed functional ultra-fine particles expressly exclude lanthanum hexaboride. See *In re Gray*, 53 F.2d 520, 11 USPQ 255 (CCPA 1931); *Ex parte Davis*, 80 USPQ 448, 450 (Bd. App. 1948); MPEP § 2111.03.

The secondary references of Muromachi and Kondo, which were cited for disclosing glasses having a particular sheet resistivity, and D'Errico, which was cited for disclosing use of either infrared reflecting film coated glass or infrared reflecting film coated PET film, fail to remedy the deficiencies of Fisher with respect to independent claims 1 and 2.

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038788.57524US).

Respectfully submitted,

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